

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Criminal No.
04-10392-EFH

UNITED STATES OF AMERICA

v.

PETER E. GUNNING

FINAL STATUS REPORT

May 26, 2005

DEIN, M.J.

A Final Status Conference was held before this court on Thursday, May 26, 2005, pursuant to the provisions of Local Rule 116.5(C). Based on that conference, this court enters the following report, in accordance with Local Rule 116.5(D):

1. It appears at this time that a trial will be necessary.
2. Discovery is completed at this time.
3. There are no outstanding or anticipated discovery issues at this time.
4. The defendant intends to file a motion to suppress. The motion shall be filed by July 8, 2005.
5. Based upon the prior orders of the court dated January 19, 2005, March 1, 2005 and April 26, 2005, at the time of the Final Status Conference on May 26, 2005, there were thirteen (13) days of non-excludable time under the Speedy Trial Act (February 16, 2005 - February 28, 2005) and fifty-seven (**57**) days remaining under the Speedy Trial Act in which this case must be tried. The court has, on this date, entered a Further Order on Excludable Time excluding the period through July 8, 2005 to enable the defendant time to prepare his motion. The pendency of any motion shall result in further time being excluded under the Speedy Trial Act.

6. It is estimated that if the case goes to trial, the trial will last approximately two (2) days.
7. The file is hereby ordered returned to the District Judge to whom this case is assigned for further proceedings.

 / s / Judith Gail Dein
Judith Gail Dein
United States Magistrate Judge